



# California Regional Water Quality Control Board San Diego Region



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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

December 9, 2010

**Certified Mail – Return Receipt Requested**  
Article Number: 7010 1060 0000 4952 6771

Mr. Scott Frasco  
Bianchi Family Trust  
4012 West Garry Ave.  
Santa Ana, CA 92704

In reply refer to:  
T0606501137:spease

Dear Mr. Frasco:

**SUBJECT: NOTICE OF VIOLATION, BIANCHI FAMILY TRUST  
INVESTIGATIVE ORDER NO. R9-2007-0227**

Enclosed is Notice of Violation (NOV) No. R9-2010-0154 for violations of Order No. R9-2007-0227, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

In the subject line of any response, please include the requested **"In reply refer to:"** information located in the heading of this letter. For questions pertaining to the subject matter, please contact Sue Pease at (858) 637-5596 or [spease@waterboards.ca.gov](mailto:spease@waterboards.ca.gov).

Sincerely,



Julie Chan  
Chief, Cleanup and Land Discharge Branch

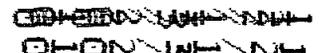
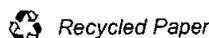
JAC:clc:sjp

c://Bianchi\_NOV.doc

Enclosure: NOV No. R9-2010-0154

cc: Mr. Keith Etchells, SCS Engineers, 8799 Balboa Ave., Suite 290, San Diego, CA 92123

**California Environmental Protection Agency**



Mr. Scott Frasco Bianchi Family Trust 4012 West Garry Ave. Santa Ana, CA 92704	<b>NOTICE OF VIOLATION</b> <b>No. R9-2010-0154</b>  <b>Violations of Order No. R9-2007-0227</b>
T0606501137: spease	December 9, 2010

Mr. Scott Frasco is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The Bianchi Family Trust is in violation of San Diego Water Board Investigative Order No. R9-2007-0227.

**A. Summary of Violation**

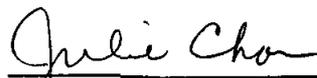
Addendum No. 1, Directive 2 of Investigative Order No. R9-2007-0227 directs you to perform groundwater monitoring on groundwater monitoring wells MW1, MW9, and MW10 on a quarterly basis, and to submit a Groundwater Monitoring Report by 5:00 p.m. on October 30, 2010. A Groundwater Monitoring Report has not been submitted.

**B. Summary of Potential Enforcement Options**

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13268) and/or any of the following enforcement actions:

1. administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance;
2. referral to the State Attorney General for injunctive relief; and
3. referral to the District Attorney for criminal prosecution.

Questions pertaining to this Notice of Violation should be directed to Ms. Sue Pease at 858-637-5596 or [spease@waterboards.ca.gov](mailto:spease@waterboards.ca.gov).



Julie Chan  
 Chief, Cleanup and Land Discharge Branch

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Scott Frasco  
 4012 West Garry Ave.  
 Santa Ana CA  
 92704

2. Article Number  
(Transfer from service label)

7010 1060 0000 4952 6771

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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Return Receipt Fee (Endorsement Required)	
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<b>Total Postage &amp; Fees</b>	<b>\$ 5.54</b>

Postmark Here

Sent To Mr Scott Frasco  
 Street, Apt. No., or PO Box No. 4012 West Garry Ave  
 City, State, ZIP+4 Santa Ana CA 92704

PS Form 3800, August 2006

See Reverse for Instructions

0100 1060 0000 4952 6771